

Message

From: Huetteman, Tom [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D4F706816D794558BD3643F83D1AD9CB-THUETTEM]
Sent: 12/22/2016 9:45:24 PM
To: keith.kawaoka@doh.hawaii.gov; Manfredi, Mark S CAPT CNRH, N04 [mark.manfredi@navy.mil]
CC: Dalton, Deborah [Dalton.Deborah@epa.gov]
Subject: Facilitator/mediator qualifications - next steps
Attachments: Mediation Contacts.xlsx

Mark and Keith,

I am following up on the next steps for obtaining a mediator/facilitator to work with our teams on communication with BWS. Deb Dalton from EPA's Conflict Prevention and Resolution Center suggested the next steps below. I provided the background below (mostly from our website) and she initially suggested the qualifications which I added to. These items do not need to be that detailed or lengthy. Please let me know if you have any comments or questions and we will go from there.

Happy Holidays! Tom

Tom Huetteman, Assistant Director
Land Division, USEPA Region 9
415-972-3751

Next Steps:

1. Structure a technical directive to EPA's contractor to get a slate of appropriately skilled and available facilitator/mediators. At this point, rather than taking big steps, we can make the first little step to identify some facilitators who can be considered for the work. Once we have some possibilities we can talk further about how to narrow it down, who to involve in the selection. To do this we will use this information for starters:
 - a. Background:

The Red Hill Bulk Fuel Storage Facility supports military operations in the Pacific. This facility, which is unlike any other in the United States, can store up to 250 million gallons of fuel. It consists of 20 steel lined tanks, encased in concrete, and built into cavities that were mined inside of Red Hill. Each tank has a storage capacity of approximately 12.5 million gallons. The tanks are connected to three pipelines that run 2.5 miles through a tunnel to fueling piers at Pearl Harbor. Presently, 18 tanks are operational, and two are not. Each of the 20 tanks at Red Hill measures 100 feet in diameter and is 250 feet in height. The cavity in which the tanks are built lies under approximately 100 feet of rock. Near Pearl Harbor, a pumping station at the end of the pipelines controls the filling of the tanks as well as dispensing fuel to ships and to nearby Hickam Air Field.

In January 2014, in the course of refilling Tank #5 following its maintenance and repair work, the U.S. Navy identified an estimated fuel release of up to 27,000 gallons of JP-8 jet fuel from the tank and reported the release to the Hawaii Department of Health. The Navy subsequently drained the tank and collected samples from existing monitoring wells. Results taken in and around Tank 5 indicated a spike in levels of hydrocarbons in soil vapor and groundwater. Drinking water monitoring results confirmed compliance with federal and state safety standards for drinking water both before and after the January 2014 release.

In response to the January 2014 fuel release from the facility, EPA and Hawaii Department of Health (DOH) negotiated an enforceable agreement, also known as an Administrative Order on Consent (AOC), with the U.S. Navy and the Defense Logistics Agency (DLA). The Order requires the Navy and DLA to take actions, subject to DOH and EPA approval, to address fuel releases and implement infrastructure improvements to protect human health and the environment. The Red Hill AOC includes a Statement of Work (SOW) that lays

out the specific tasks the Navy and DLA must implement to address the January 2014 fuel release and improve the facility's infrastructure to prevent future fuel releases. Work under the agreement is scheduled to occur over 22 years.

Following the January 2014 release and subsequent negotiations over the AOC, the Honolulu Board of Water Supply (BWS) began to take a very active interest in the work planned under the AOC. BWS provides drinking water to the island of Oahu and their wells in the area of Red Hill provide a majority of this water supply. As the interest of BWS grew, they became an outspoken critic of plans to address Red Hill. Prior to a public meeting to obtain comments on the draft AOC, BWS sent individual letters to 75,000 Oahu water customers urging attendance at the public meeting and raising alarm about the facility. Here is an example of information BWS is providing to the public: "The situation at Red Hill poses a threat to existing Board of Water Supply (BWS) wells that are presently not contaminated. If these wells ever became contaminated or a catastrophic large volume of fuel got into the groundwater, then water rates would need to increase to pay for treatment to remove the contaminants from the water. If the situation involved a large release, the cost to treat would be so prohibitive as to render the wells and aquifer unusable for decades to come. The wells unaffected by the incident do not have the capacity to make up the difference resulting in long-term water moratoriums. Water rates would need to increase to pay for alternatives to take the place of the water loss. Since water rates apply to all BWS customers island wide, everyone would end up paying for what happens at Red Hill." Several assertions in this statement are inaccurate and exaggerate the risks from the facility.

The parties to the AOC recognized the importance of obtaining regular input from subject matter experts such as BWS and incorporated a commitment to do this in the AOC. Over the past year and a half, BWS has aggressively pushed its perspective on Red Hill. They have hired outside consultants and have submitted over 30 letters of very detailed comments. In their interactions with the press and public they have been consistently critical of the work at Red Hill and maintain unrealistic positions such as groundwater should be restored to "its original pristine condition" and the facility should achieve "zero risk of fuel leaks to the environment" regardless of the amount. The AOC parties have met with BWS in over 35 hours of in-person meetings. Despite these efforts, significant differences remain between BWS and the AOC parties and distrust seems high, compounded by the impression felt by some that BWS may ultimately be trying to close the facility. This dynamic is preventing a more open exchange of technical opinions and a more honest discussion of the technical issues and criteria that will inform decisions at Red Hill.

Below is some useful background including EPA's Red Hill website, an EPA/DOH FAQ, a recent Navy video about the facility and two links to information developed by BWS on Red Hill:

<https://www.epa.gov/red-hill>

<http://health.hawaii.gov/shwb/files/2015/09/Final-Red-Hill-FAQ-29SEP15.pdf>

<https://youtu.be/0Bx81rD206A>

<http://www.boardofwatersupply.com/community/news-and-updates/red-hill-bulk-fuel-storage-facility>

<http://www.boardofwatersupply.com/bws/media/files/red-hill-why-oahu-residents-should-be-concerned-flyer-2015-06-16.pdf>

b. Qualifications:

(1) Ability to help parties in sorting out appropriate roles and build intergovernmental communications; (2) experience conducting conflict or situation assessment and process design including interviews of the parties, discussion of process options with the parties; (3) experience working on a very high visibility project with high level governmental officials; (4) experience with Department of Defense facility environmental compliance or cleanup issues; (5) ability to grasp technical and scientific concepts quickly and help the parties focus discussions productively; (6) past experience with RCRA, Underground Storage Tanks, and/or drinking water supplies; and (7) location in Hawaii (ideally) or alternatively the west coast to minimize time zone communication issues and travel costs.

- c. A list of the folks who may be involved, their roles and their contact information: See attachment.
- 2. Once we get a slate of names, EPA's Conflict Prevention and Resolution Center will walk everybody through a process of narrowing it down to a couple of prime candidates and arrange for phone interviews. We can revisit the discussion of when and how to involve others outside the AOC at that point.
- 3. Assuming the next step will prove appropriate at that point EPA's Conflict Prevention and Resolution Center will help draft up a Task Order statement of work (SOW) to do the situation assessment/process design.